



APPLICATION ACCEPTED: June 30, 2014
DATE OF PUBLIC HEARING: September 24, 2014
TIME: 9:00 a.m.

County of Fairfax, Virginia

September 17, 2014

STAFF REPORT

SPECIAL PERMIT SP 2014-BR-132

PROVIDENCE DISTRICT

APPLICANT: Steven R. Decker

OWNERS: Steven R. Decker
Sabra Flaherty

LOCATION: 5316 Pillow Lane, Springfield, 22151

SUBDIVISION: Ravensworth

TAX MAP: 79-2 ((3)) (14) 14

LOT SIZE: 10,800 square feet

ZONING: R-3

ZONING ORDINANCE PROVISION: 8-914

SPECIAL PERMIT PROPOSAL: To permit reduction in minimum yard requirements based on an error in building location to permit addition to remain 8.4 ft. from a side lot line.

It should be noted that it is not the intent of staff to recommend that the Board, in adopting any conditions, relieve the applicants/owners from compliance with the provisions of any applicable ordinances, regulations, or adopted standards.

It should be further noted that the content of this report reflects the analysis and recommendations of staff; it does not reflect the position of the Board of Zoning Appeals. A copy of the BZA's Resolution setting forth this decision will be mailed within five days after the decision becomes final.

The approval of this application does not interfere with, abrogate or annul any easements, covenants, or other agreements between parties, as they may apply to the property subject to the application.

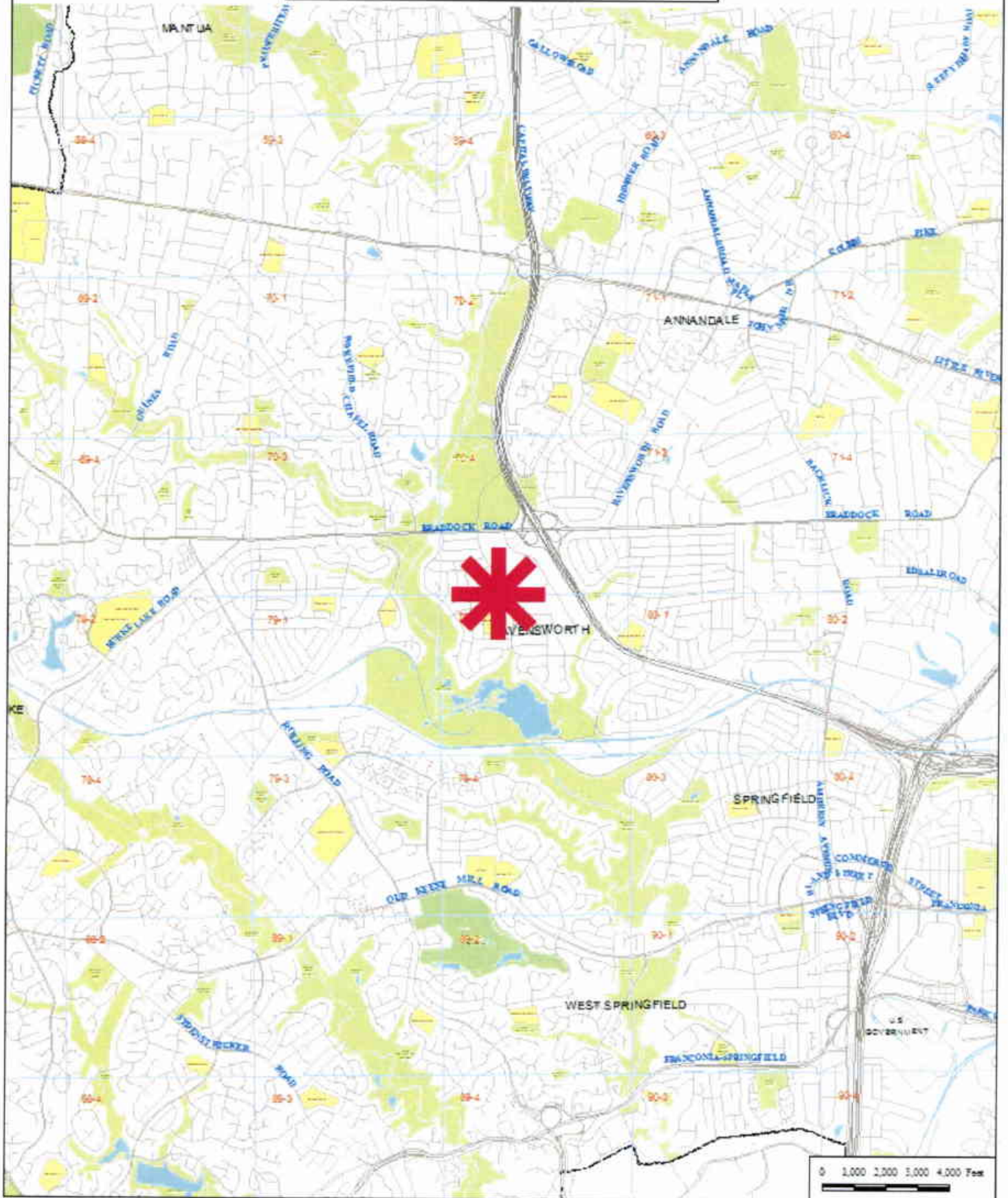
For additional information, call Zoning Evaluation Division, Department of Planning and Zoning at 703-324-1280, 12055 Government Center Parkway, Suite 801, Fairfax, Virginia 22035. **Board of Zoning Appeals' meetings are held in the Board Room, Ground Level, Government Center Building, 12000 Government Center Parkway, Fairfax, Virginia 22035-5505.**



Americans with Disabilities Act (ADA): Reasonable accommodation is available upon 48 hours advance notice. For additional information on ADA call (703) 324-1334 or TTY 711 (Virginia Relay Center).

Special Permit

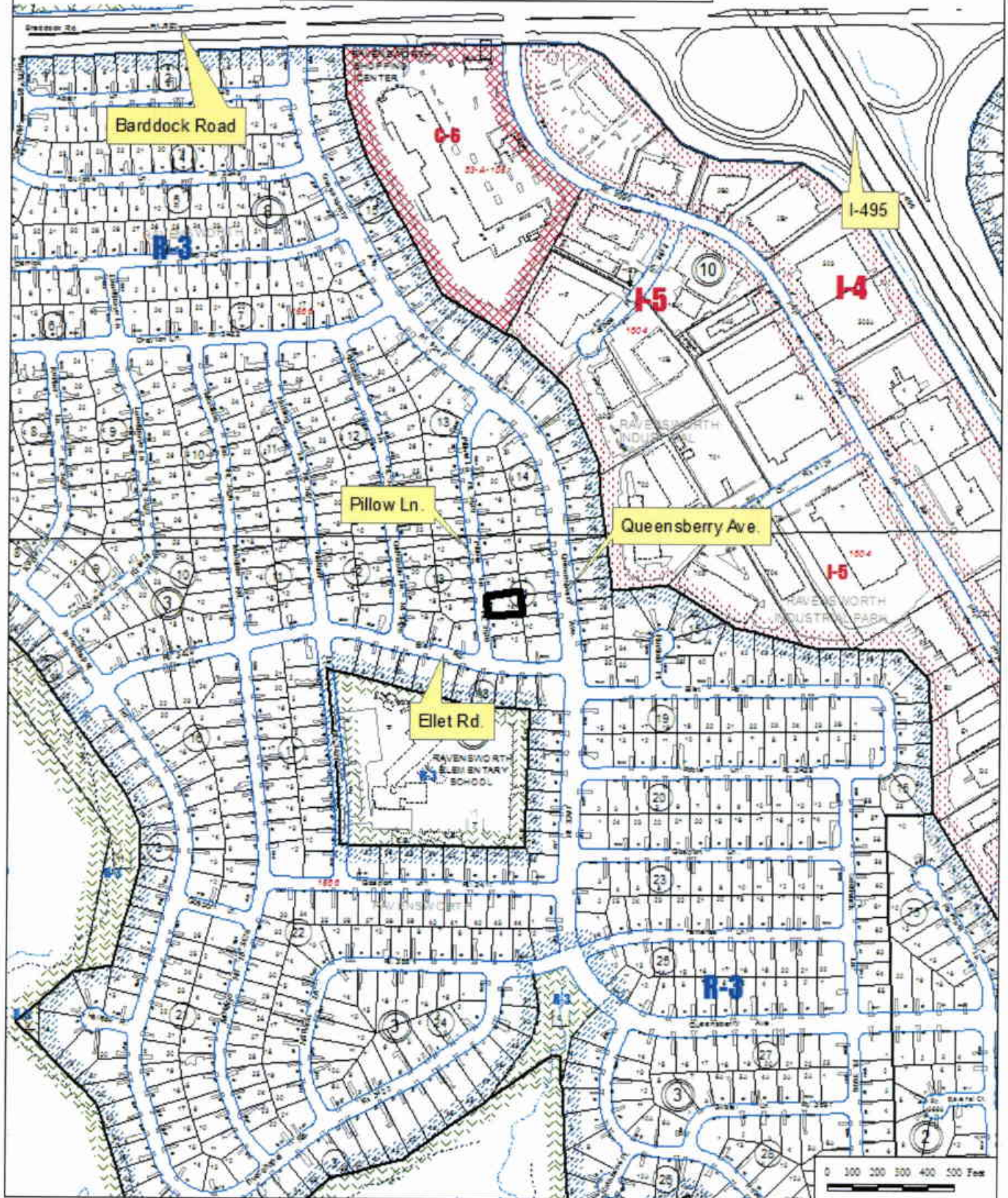
SP 2014-BR-132
STEVEN R. DECKER



Special Permit

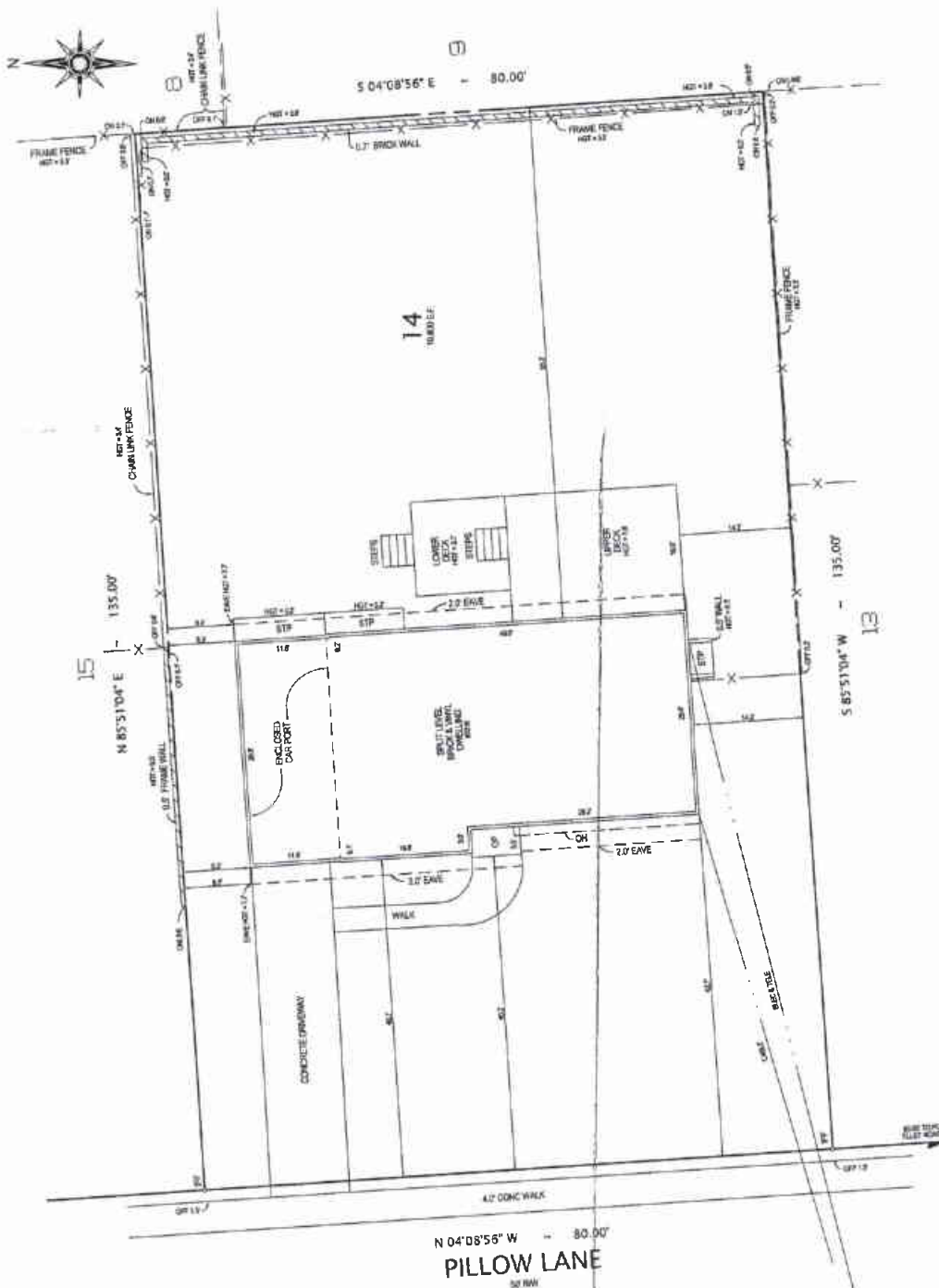
SP 2014-BR-132

STEVEN R. DECKER



NOTES:

1. TAX MAP: 0702.03 14.0014
2. ZONE: R-3 (RESIDENTIAL 3 DUPLIC)
3. LOT AREA: 10,800 SF
4. REQUIRED YARDS:
 - FRONT = 30.0 FEET
 - SIDE = 12.0 FEET
 - REAR = 25.0 FEET
5. HEIGHTS:
 - EX DWELLING = 22.4 FEET
 - EX OP = 8.1 FEET
 - FENCES = AS NOTED
 - WALLS = AS NOTED
6. THIS PROPERTY IS SERVED BY PUBLIC WATER AND SEWER.
7. THERE IS NO OBSERVABLE EVIDENCE OF GRAVE SITES OR BURIAL GROUNDS ON THIS PROPERTY.
8. ALL IMPROVEMENTS SHOWN ON THIS PLAN ARE EXISTING UNLESS DENOTED AS PROPOSED.
9. THE SURVEYOR IS NOT AWARE OF ANY UTILITY EASEMENTS 26 FEET IN WIDTH OR GREATER AFFECTING THIS PROPERTY.
10. THERE ARE NO FLOOD PLAINS OR RESOURCE PROTECTION AREAS ON THIS PROPERTY.
11. AREAS:
 - EX FIRST FLOOR = 1,578 SF
 - EX SCREEN PORCH = 483 SF
 - GROSS FLOOR AREA = 2,061 SF
12. EX FLOOR AREA RATIO: EX GFA (2,061) / LOT AREA (10,800) = 0.19
13. ALL EAVES ARE ACCOMPANIED BY A 0.5 GUTTER.



BACK

RECEIVED
Department of Planning & Zoning
APR 03 2014
Zoning Evaluation Division

PLAT
HOUSE LOCATION
LOT 14, SECTION 8, BLOCK 14
RAVENSWORTH
FAIRFAX COUNTY, VIRGINIA
BRADDOCK DISTRICT
SCALE: 1" = 10'
JANUARY 22, 2014



FRONT



LEFT



FRONT

<p>DESIGNED BY:</p> <p>STEVEN DECAIR</p>	<p>STATE OF VIRGINIA</p> <p>07/02/2014</p> <p>THOMAS G. LUTKE</p> <p>LICENSE NO. 12046</p>
<p>PROFESSIONAL SEAL</p> <p>REGISTERED PROFESSIONAL SURVEYOR</p> <p>ALABAMA, VA 2210</p> <p>703.688.4838</p> <p>FAX: 703.688.4838</p>	<p>NOVA</p> <p>NOVA UNIVERSITY</p>



4



3



2



1



8



7



4



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12



11



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14



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SPECIAL PERMIT REQUEST

The applicant is seeking a special permit to permit the reduction in minimum yard requirements based on an error in building location to permit an enclosed carport addition in an existing single family detached dwelling.

A copy of the special permit plat titled "Plat, House Location Lot 14, Section 8, Block 14, Ravensworth," prepared by Thomas G. Lutke, L.S., of NoVA Surveys, dated January 23, 2014, is included in the front of the staff report.

A more detailed description of the proposal is provided on page two.

CHARACTER OF THE SITE AND SURROUNDING AREA

The 10,800 square foot lot is developed with split level vinyl and brick single family detached dwelling, which is accessed via a concrete driveway from Pillow Lane. A walkway leads from the driveway to an open porch in the front of the dwelling. In the rear of the property, there are two decks attached to the dwelling. The upper deck is 7.5 ft. in height, and the lower deck is 3.7 ft. in height. There are no accessory structures located on the property. The rear yard is surrounded by a 3.5 ft. high frame fence on the southern lot line, and a 3.4 ft. high chain link fence on the northern and eastern lot lines. Also located along the eastern (rear) lot line is a 0.7 ft. tall brick wall. The property has a manicured lawn, shrubs, and mature trees, and the topography slopes slightly to the east towards Ellet Road.

The subject property and surrounding properties are zoned R-3 and developed with single family detached dwellings.

	Zoning	Use
North	R-3	Single Family Detached Dwelling
East	R-3	Single Family Detached Dwelling
South	R-3	Single Family Detached Dwelling
West	R-3	Single Family Detached Dwelling



Figure 1. Lot location

BACKGROUND

Fairfax County Tax Records indicate that the single family dwelling was constructed in 1963 and purchased by the applicant in 2007. Prior to the enclosure of the attached carport, the dwelling met the Zoning Ordinance requirements of Section 2-412 for Permitted Extensions into Minimum Required Yards, since it extended less than five feet from any minimum required side yard. The permit for the open carport is included as Appendix 4.

On October 24, 2013, the applicant was issued a Notice of Violation for a carport that had been converted into a one car garage located 8.4 feet from the side lot line. The Notice of Violation is included as Appendix 5.

A copy of information outlining similar special permit and variance requests in the area is attached in Appendix 6.

DESCRIPTION OF THE APPLICATION

The applicant is requesting approval of a special permit to allow a reduction in minimum yard requirements based on an error in building location to permit an enclosed carport addition to remain 8.4 feet from the side lot line on the northern side of the property. According to testimony of the applicant, he was under the impression that since the carport previously existed in that location, enclosing the carport would not alter the yard requirements. As previously mentioned, the original carport was in conformance with the Zoning Ordinance prior to its enclosure.

This approximately 350 square foot enclosure is currently being used as storage, and none of the enclosure has been incorporated into living space. As previously noted, a building permit for enclosing the carport was not obtained by the applicant. A minimum side yard of 12 feet is required in an R-3 district; therefore a reduction of 3.6 feet is requested.

	Structure	Yard	Minimum Yard Required*	Existing Location	Existing Reduction	Percentage of Reduction Requested
Special Permit	Enclosed Carport	Side	12.0 feet	8.4 feet	3.6 feet	30.0%

ANALYSIS

Comprehensive Plan Provisions

Plan Area: Area I, Annandale Planning District
Planning Sector: Accotink Community Planning Sector (A6)
Plan Map: Residential uses at 3 dwelling units/acre (du/ac)

Zoning Ordinance Requirements

- General Special Permit Standards (Sect. 8-006)
- Group 9 Standards (Sect. 8-903)
- Provisions for Approval of Reduction of the Minimum Yard Requirements Based on an Error in Building Location (Sect. 8-914)

This special permit is subject to sections of the Zoning Ordinance as referenced above, a copy of which is included in Appendix 6. Subject to development conditions, the special permit must meet these standards.

CONCLUSION

If it is the intent of the Board of Zoning Appeals to approve this application, the BZA should condition its approval by requiring conformance with the conditions set forth in Appendix 1 of this report, Proposed Development Conditions.

The approval of this special permit does not interfere with, abrogate or annul any easement, covenants, or other agreements between parties, as they may apply to the property subject to this application.

APPENDICES

1. Proposed Development Conditions
2. Applicant's Affidavit
3. Applicant's Statement of Justification
4. Building permit for Carport, dated July 8, 1976
5. Notice of Violation, dated October 24, 2013
6. Similar Case History
7. Zoning Ordinance Provisions

PROPOSED DEVELOPMENT CONDITIONS

SP 2014-BR-132

September 17, 2014

1. This special permit is approved for the location of the enclosed carport, as shown on the plat prepared titled, "Plat, House Location Lot 14, Section 8, Block 14, Ravensworth," prepared by Thomas G. Lutke, L.S., of NoVA Surveys, dated January 23, 2014.
2. All applicable permits and final inspections shall be obtained for the addition within 180 days of the approval of this application.

This approval, contingent upon the above-noted conditions, shall not relieve the applicant from compliance with the provisions of any applicable ordinances, regulations or adopted standards.

Pursuant to Sect. 8-015 of the Zoning Ordinance, this special permit shall automatically expire, without notice, 6 months after the date of approval unless construction has commenced and has been diligently prosecuted. The Board of Zoning Appeals may grant additional time to commence construction if a written request for additional time is filed with the Zoning Administrator prior to the date of expiration of the special permit. The request must specify the amount of additional time requested, the basis for the amount of time requested and an explanation of why additional time is required.

Application No.(s): _____
(county-assigned application number(s), to be entered by County Staff)

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 6-26-14
(enter date affidavit is notarized)

I, Steven R. Decker, do hereby state that I am an
(enter name of applicant or authorized agent)

(check one) ☒ applicant
☐ applicant's authorized agent listed in Par. 1(a) below

and that, to the best of my knowledge and belief, the following is true:

125297

- 1(a). The following constitutes a listing of the names and addresses of all **APPLICANTS, TITLE OWNERS, CONTRACT PURCHASERS, and LESSEES** of the land described in the application,* and, if any of the foregoing is a **TRUSTEE,**** each **BENEFICIARY** of such trust, and all **ATTORNEYS** and **REAL ESTATE BROKERS**, and all **AGENTS** who have acted on behalf of any of the foregoing with respect to the application:

(NOTE: All relationships to the application listed above in **BOLD** print must be disclosed. Multiple relationships may be listed together, e.g., **Attorney/Agent, Contract Purchaser/Lessee, Applicant/Title Owner**, etc. For a multiparcel application, list the Tax Map Number(s) of the parcel(s) for each owner(s) in the Relationship column.)

NAME (enter first name, middle initial, and last name)	ADDRESS (enter number, street, city, state, and zip code)	RELATIONSHIP(S) (enter applicable relationships listed in BOLD above)
STEVEN R. DECKER	5314 Pillow Ln Springfield Va. 22151	owner/Applicant
JARA Flaherty	5314 Pillow Ln Springfield Va. 22151	Title owner

(check if applicable) ☐ There are more relationships to be listed and Par. 1(a) is continued on a "Special Permit/Variance Attachment to Par. 1(a)" form.

* In the case of a condominium, the title owner, contract purchaser, or lessee of 10% or more of the units in the condominium.
** List as follows: Name of trustee, Trustee for (name of trust, if applicable), for the benefit of: (state name of each beneficiary).

CMS

Application No.(s):

(county-assigned application number(s), to be entered by County Staff)

Page Two

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 6-26-14
(enter date affidavit is notarized)

125297

1(b). The following constitutes a listing*** of the **SHAREHOLDERS** of all corporations disclosed in this affidavit who own 10% or more of any class of stock issued by said corporation, and where such corporation has 10 or less shareholders, a listing of all of the shareholders:

(NOTE: Include **SOLE PROPRIETORSHIPS, LIMITED LIABILITY COMPANIES, and REAL ESTATE INVESTMENT TRUSTS** herein.)

None

CORPORATION INFORMATION

NAME & ADDRESS OF CORPORATION: (enter complete name, number, street, city, state, and zip code)

None

DESCRIPTION OF CORPORATION: (check one statement)

- ☐ There are 10 or less shareholders, and all of the shareholders are listed below.
☐ There are more than 10 shareholders, and all of the shareholders owning 10% or more of any class of stock issued by said corporation are listed below.
☐ There are more than 10 shareholders, but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below.

NAMES OF SHAREHOLDERS: (enter first name, middle initial, and last name)

None

(check if applicable) ☐ There is more corporation information and Par. 1(b) is continued on a "Special Permit/Variance Attachment 1(b)" form.

*** All listings which include partnerships, corporations, or trusts, to include the names of beneficiaries, must be broken down successively until (a) only individual persons are listed or (b) the listing for a corporation having more than 10 shareholders has no shareholder owning 10% or more of any class of stock. *In the case of an APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE* of the land that is a partnership, corporation, or trust, such successive breakdown must include a listing and further breakdown of all of its partners, of its shareholders as required above, and of beneficiaries of any trusts. Such successive breakdown must also include breakdowns of any partnership, corporation, or trust owning 10% or more of the APPLICANT, TITLE OWNER, CONTRACT PURCHASER or LESSEE* of the land. Limited liability companies and real estate investment trusts and their equivalents are treated as corporations, with members being deemed the equivalent of shareholders; managing members shall also be listed.* Use footnote numbers to designate partnerships or corporations, which have further listings on an attachment page, and reference the same footnote numbers on the attachment page.

Application No.(s): _____
(county-assigned application number(s), to be entered by County Staff)

Page Three

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 6-26-14
(enter date affidavit is notarized)

125297

1(c). The following constitutes a listing*** of all of the **PARTNERS**, both **GENERAL** and **LIMITED**, in any partnership disclosed in this affidavit:

PARTNERSHIP INFORMATION

PARTNERSHIP NAME & ADDRESS: (enter complete name, number, street, city, state, and zip code)

NONE

(check if applicable) ☐ The above-listed partnership has no limited partners.

NAMES AND TITLE OF THE PARTNERS (enter first name, middle initial, last name, and title, e.g. **General Partner**, **Limited Partner**, or **General and Limited Partner**)

NONE

(check if applicable) ☐ There is more partnership information and Par. 1(c) is continued on a "Special Permit/Variance Attachment to Par. 1(c)" form.

*** All listings which include partnerships, corporations, or trusts, to include the names of beneficiaries, must be broken down successively until: (a) only individual persons are listed or (b) the listing for a corporation having more than 10 shareholders has no shareholder owning 10% or more of any class of stock. *In the case of an APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE* of the land that is a partnership, corporation, or trust, such successive breakdown must include a listing and further breakdown of all of its partners, of its shareholders as required above, and of beneficiaries of any trusts. Such successive breakdown must also include breakdowns of any partnership, corporation, or trust owning 10% or more of the APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE* of the land. Limited liability companies and real estate investment trusts and their equivalents are treated as corporations, with members being deemed the equivalent of shareholders; managing members shall also be listed. Use footnote numbers to designate partnerships or corporations, which have further listings on an attachment page, and reference the same footnote numbers on the attachment page.*

Application No.(s): _____
(county-assigned application number(s), to be entered by County Staff)

Page Four

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 10-26-14
(enter date affidavit is notarized)

125297

1(d). One of the following boxes must be checked:

- ☒ In addition to the names listed in Paragraphs 1(a), 1(b), and 1(c) above, the following is a listing of any and all other individuals who own in the aggregate (directly and as a shareholder, partner, and beneficiary of a trust) 10% or more of the **APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE*** of the land:

NONE

- ☐ Other than the names listed in Paragraphs 1(a), 1(b), and 1(c) above, no individual owns in the aggregate (directly and as a shareholder, partner, and beneficiary of a trust) 10% or more of the **APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE*** of the land.

2. That no member of the Fairfax County Board of Zoning Appeals, Planning Commission, or any member of his or her immediate household owns or has any financial interest in the subject land either individually, by ownership of stock in a corporation owning such land, or through an interest in a partnership owning such land.

EXCEPT AS FOLLOWS: (NOTE: If answer is none, enter "NONE" on the line below.)

NONE

- (check if applicable) ☐ There are more interests to be listed and Par. 2 is continued on a "Special Permit/Variance Attachment to Par. 2" form.

Application No.(s): _____

(county-assigned application number(s), to be entered by County Staff)

Page Five

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 6-26-14
(enter date affidavit is notarized)

125297

3. That within the twelve-month period prior to the public hearing of this application, no member of the Fairfax County Board of Zoning Appeals, Planning Commission, or any member of his or her immediate household, either directly or by way of partnership in which any of them is a partner, employee, agent, or attorney, or through a partner of any of them, or through a corporation in which any of them is an officer, director, employee, agent, or attorney or holds 10% or more of the outstanding bonds or shares of stock of a particular class, has, or has had any business or financial relationship, other than any ordinary depositor or customer relationship with or by a retail establishment, public utility, or bank, including any gift or donation having a value of more than \$100, singularly or in the aggregate, with any of those listed in Par. 1 above.

EXCEPT AS FOLLOWS: (NOTE: If answer is none, enter "NONE" on line below.)

NONE

(NOTE: Business or financial relationships of the type described in this paragraph that arise after the filing of this application and before each public hearing must be disclosed prior to the public hearings. See Par. 4 below.)

(check if applicable) ☐ There are more disclosures to be listed and Par. 3 is continued on a "Special Permit/Variance Attachment to Par. 3" form.

4. That the information contained in this affidavit is complete, that all partnerships, corporations, and trusts owning 10% or more of the APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE* of the land have been listed and broken down, and that prior to each and every public hearing on this matter, I will reexamine this affidavit and provide any changed or supplemental information, including business or financial relationships of the type described in Paragraph 3 above, that arise on or after the date of this application.

WITNESS the following signature:

(check one)

☒ Applicant

☐ Applicant's Authorized Agent

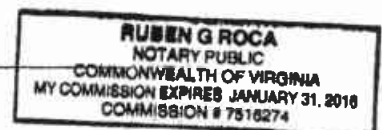
Steven R. Decker

(type or print first name, middle initial, last name, and title of signee)

Subscribed and sworn to before me this 26 day of June, 2014, in the State/Comm. of VIRGINIA, County/City of FAIRFAX.

My commission expires: 01-31-2016

Roca
Notary Public



CAB

RECEIVED
Department of Planning & Zoning
MAY 05 2014
Zoning Evaluation Division

Statement of Justification

8-914 #2 A-G

A. The error exceeds 10% of the measurement involved because the enclosed carport is 8.5' from property line when built and should not exceed 9' for carport and 14' to be enclosed.

B. The noncompliance was done in good faith without the knowledge that a building permit was need to enclose a carport or since there was a carport that enclosing it would violate minimum yard requirements.

C. Such reduction will not impair the purpose and intent of this ordinance because enclosing an existing carport does not take away from side yard already covered by a carport.

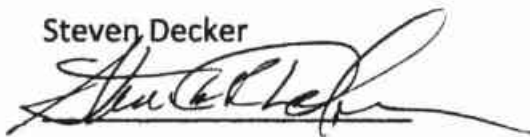
D. It will not be detrimental to the use and enjoyment of other property in the immediate vicinity and will raise property values for not only this property but all properties that surround it.

E. It will not create an unsafe condition with respect to both other property and public streets and will actually make it safer by enclosing vehicles and tools that would be exposed in a carport.

F. To force compliance with the minimum yard requirements would cause unreasonable hardship because we would have to deconstruct the enclosed carport, then build sheds along side of the house from the front corner to the back corner one foot away from the existing carport to the property line to store all of the contents of the enclosed carport.

G. The reduction will not result in an increase in density or floor area ratio because the enclosed carport was already there.

Steven Decker



Date:05/05/2014

Special Permit Statement of Justification:

A. Type of operation- Enclose carport.

B. Hours of operation- NA.

C. Estimated number of patrons- NA.

D. Proposed number of employees- NA.

E. Estimated traffic impact- None.

F. Vicinity or general area to be served by use- Carport/garage.

G. Description of building facade- Vinyl siding and garage door.

H. A list of hazardous materials- None.

I. A statement of how the proposed use conforms-Enclosure conforms to all county details except minimum set back requirements for side yard measurement. This special permit is sought to correct the error in building location by reduction of certain yard requirements on a single family dwelling lot.

RECEIVED
Department of Planning & Zoning

APR 03 2014

Zoning Evaluation Division

7-8-76

MAP REFERENCE			
Plot Number	Subd. Div.	Blk. or Sec.	Partial or lot
792	3	14	14

COUNTY OF FAIRFAX, VIRGINIA
DEPARTMENT OF
ENVIRONMENTAL MANAGEMENT
Application for Building Permit

73 APPENDIX 4

APPLICATION NO.	
DATE	19
PERMIT NO.	

To: BUILD ☒ ALTER OR REPAIR ☐ ADD TO ☐ DEMOLISH ☐ MOVE ☐

JOB LOCATION	DESCRIPTION
St. No. <u>5316 Pillow Lane</u> Lot No. <u>14</u> <u>14</u> <u>8</u> Subdivision <u>Ravensworth</u>	For: <u>Carport</u> (add.)
OWNER Corp. Name _____ Name <u>Joseph J. Dougherty</u> (Rep. Agent) Address <u>5316 Pillow Lane</u> City <u>Springfield</u> <u>321-7497</u> Telephone Number	No. of Bldgs. <u>1</u> Est. Const. Cost \$ <u>3000</u> No. of Units _____ No. of Stories _____ No. of Kitchens _____ Penthouse _____ No. of Baths _____ Ht. of Bldg. _____ ft. No. of Rooms _____ Bldg. Area _____ sq. ft. (Exclude Kit. & Bath) Basement <input type="checkbox"/> Slab <input type="checkbox"/> Crawl <input type="checkbox"/> Soil: Solid <input type="checkbox"/> Fill <input type="checkbox"/>
ARCHITECT ENGINEER Name _____ Address _____ City _____ State Reg. No. _____	Ftg: Concrete <input type="checkbox"/> Pile <input type="checkbox"/> Calsson <input type="checkbox"/> Ext. Walls: Wood <input type="checkbox"/> Metal <input type="checkbox"/> Brick <input type="checkbox"/> Int. Walls: Plaster <input type="checkbox"/> Drywall <input type="checkbox"/> Panel <input type="checkbox"/> Roofs: Flat <input type="checkbox"/> Pitch <input type="checkbox"/> Shed <input type="checkbox"/> Roofing: Built-up <input type="checkbox"/> Shingle <input type="checkbox"/> Roll <input type="checkbox"/>
CONTRACTOR Name <u>Owner</u> Address _____ City _____ County Reg. # _____ State Reg. # _____	Heat: Oil <input type="checkbox"/> Gas <input type="checkbox"/> Electric <input type="checkbox"/> Equipment: Boiler <input type="checkbox"/> Furnace <input type="checkbox"/> Heat Pump <input type="checkbox"/> Air Cond. <input type="checkbox"/> Sewage: Public <input checked="" type="checkbox"/> Community <input type="checkbox"/> Septic Tank <input type="checkbox"/> None <input type="checkbox"/> Water: Public <input checked="" type="checkbox"/> Individual Well <input type="checkbox"/> None <input type="checkbox"/> Remarks: _____

I hereby certify that I have the authority to make this application, that the information given is correct, and that the use and construction shall conform to the County Health Regulations, the Building and Zoning Ordinances, and private deed restrictions, if any, which are imposed on the property.

321-7497 10/1/75 Mr. Betty Anne Dougherty
Phone No. Date Signature of Owner or Auth. Agent

APPLICANT: DO NOT WRITE BELOW THIS LINE

PLAN APPROVAL	Use Group of Building	Area of Bldg.	@	per Sq. Ft.	\$
Type of Construction	<u>L-4</u>				
Fire District	<u>4-B</u>				
Date Checked	<u>10/14/75</u>				
Approved by Building Inspector <u>Joseph B. Patton</u>					TOTAL FEE <u>\$16.00</u>

ROUTING	OFFICE	DATE	APPROVED BY	OFFICE	DATE	APPROVED BY
<input checked="" type="checkbox"/>	Land Office	<u>10-2-75</u>	<u>468</u>			
<input checked="" type="checkbox"/>	Zoning Administrator	<u>10/5/75</u>	<u>5</u>	<input checked="" type="checkbox"/>	Fire Marshal	
	Public Works			<input checked="" type="checkbox"/>	Design Review	<u>10-2-75</u> <u>mm</u>
	Health Dept.			<input checked="" type="checkbox"/>	Housing & Licenses	<u>10-1-75</u> <u>mm</u>
				<input checked="" type="checkbox"/>	Assessments	<u>10-1-75</u> <u>mm</u>

CERTIFICATION	I hereby certify to the following statement:	
	1. All materials used for work performed under this permit will be paid directly to the supplier by the property owner.	
	2. All compensation will be on an hourly basis and paid by the property owner directly to the person(s) performing work under this permit.	
	Date <u>10/1/75</u>	By <u>Joseph J. Dougherty</u> <u>Mr. Betty Anne Dougherty</u> Property Owner Authorized Agent
	Supervisor of Assessments <u>Joseph James Dougherty Jr.</u>	
	Property is listed in name of <u>Owner</u> Deed Book Reference <u>22312 B05</u>	
	Magisterial District <u>Owner</u> Supervisor <u>Samuel A. Patterson Jr. MBE</u>	
	Subdivision <u>Ravensworth</u> Lot No. <u>14</u> Block <u>14</u> Section <u>8</u> Zone <u>R12.5</u>	
	Street Address _____	
	Use of Bldg. <u>Carport add-on</u> Use after Alteration _____ No. Families _____	
	BZA <u>41</u> SITE PLAN <u>attached</u>	
	Set Backs: Front <u>41</u> Rt. Side _____ Left Side <u>10</u> Rear <u>25</u> Zoning Administrator	



County of Fairfax, Virginia

Return Copy

To protect and enrich the quality of life for the people, neighborhoods and diverse communities of Fairfax County.

NOTICE OF VIOLATION Fairfax County Zoning Ordinance

DATE OF ISSUANCE: October 24, 2013

METHOD OF SERVICE: OFFICE OF THE SHERIFF

LEGAL NOTICE ISSUED TO: Steven Decker
Sabra Flaherty

ADDRESS: 5316 Pillow Lane
Springfield, VA 22151

LOCATION OF VIOLATION: 5316 Pillow Lane
Springfield, Virginia 22151-1932

TAX MAP REF: 79-2 03140014

ZONING DISTRICT: R- 3

CASE #: 201307296 SR #: 99822

POTENTIAL CIVIL PENALTIES UNDER ZONING ORDINANCE

§ 18-903(1):	Zoning Violation	First Offense	Each Subsequent Offense
	§10.104.1	\$ 200.00	\$ 500.00
TOTAL:		\$ 200.00	\$ 500.00

Dear Responsible Party:

An inspection of the above referenced property on October 17, 2013 revealed the following violations of the Fairfax County Zoning Ordinance:

§ 10-104 (1) Accessory Building Attached to the Principal Building
§ 2-307 (1) Meeting Minimum Bulk Regulations

An investigation of the above referenced property has revealed the carport has been converted into a one (1) car garage with the following dimensions: approximately twelve (12) feet in width and approximately twenty-nine (29) feet in length, has been connected to the left side of the single family

Department of Code Compliance
12055 Government Center Parkway, Suite 1016
Fairfax, Virginia 22035-5508
Phone 703-324-1300 Fax 703-324-9346
www.fairfaxcounty.gov/code

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Sabra Flaherty
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detached dwelling. Therefore this one (1) garage addition becomes part of the principal building or dwelling as set forth in Par. 1 of Sect. 10-104 of the Fairfax County Zoning Ordinance, which states:

If an accessory-type building is attached to a principal building by any wall or roof construction, it shall be deemed to be a part of the principal building and shall comply in all respects with requirements of this Ordinance applicable to a principal building(s), except as qualified in Sect. 2-412.

This one (1) garage addition is approximately nine (9) feet from the side lot line. This property is zoned R-3 District and bulk regulations for this district includes minimum yard requirements for a single family attached dwelling, which is delineated in Par. 2(A) 1 of Sect. 3-307 of the Zoning Ordinance, which states:

Minimum yard requirements

A. Single family dwellings

(1) Conventional subdivision lot

- (a) Front yard: 30 feet
- (b) Side yard: 12 feet
- (c) Rear yard: 25 feet

Therefore, since the dwelling with the addition does not meet the minimum side yard requirement for the R-3 District, it is in violation of Par. 2(A) 1 of Sect. 3-307 and Par. 1 of Sect. 2-307 of the Zoning Ordinance, which states:

Except as may be qualified by provisions of this Ordinance, no structure or part thereof shall hereafter be built or moved on a lot which does not meet all minimum bulk regulations presented for the zoning district in which the structure is located, and no structure shall hereafter be used, occupied or arranged for use on a lot which does not meet all minimum bulk regulations presented for the zoning district in which such structure is located.

You are hereby directed to clear these violations within thirty (30) days after the date of this notice. Compliance must be accomplished by:

- Removing the addition from the property entirely; or

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Sabra Flaherty
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- Reducing the size of the addition to meet minimum required side yard requirements and obtaining approval for a Building Permit; or
- Returning the structure to a carport and complying with Par. 1E of Sect. 2-412 of the Zoning Ordinance, copy enclosed; or
- Making an application for and ultimately obtaining approval of a Group 9 Special Permit from the Board of Zoning Appeals (BZA) for an error in building location to allow the addition to remain at its present location on the property and obtain approval of a Building Permit for the addition.

A follow-up inspection will be made at the expiration of the time period outlined in this Notice. Failure to comply with the notice will result in the initiation of appropriate legal action to gain compliance with the Zoning Ordinance which can result in court ordered sanctions or civil penalties. Civil penalties may be ordered in the amount of \$200.00 for each violation of the Zoning Ordinance cited herein for the first violation and \$500.00 for each violation of the Zoning ordinance cited herein for any subsequent violation, in accordance with Zoning Ordinance §18-903(1).

You may have the right to appeal this Notice of Zoning Violation within thirty (30) days of the date of this letter in accordance with Sec. 15.2-2311 of the Code of Virginia. This decision shall be final and unappealable if it is not appealed within such thirty (30) days. Should you choose to appeal, the appeal must be filed with the Zoning Administrator and the Board of Zoning Appeals (BZA) in accordance with Part 3 of Article 18 of the Fairfax County Zoning Ordinance. Those provisions require the submission of an application form, a written statement setting forth the decision being appealed, the date of decision, the grounds for the appeal, how the appellant is an aggrieved party, any other information that you may wish to submit and a \$600.00 filing fee. Once an appeal application is accepted, it will be scheduled for public hearing and decision before the BZA. For information regarding an appeal contact:


Zoning Administration Division
12055 Government Center Parkway, Suite 807
Fairfax, Virginia 22035
Office: (703)324-1314

Information and forms can also be obtained at <http://www.fairfaxcounty.gov/dpz/bza/appeals/>.

If you have questions, would like to schedule an appointment to meet with an investigator, or schedule a follow up inspection, please contact me directly at (703) 324-8247.

Steven Decker
Sabra Flaherty
October 24, 2013
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LEGAL NOTICE ISSUED BY:



Signature

Ronald J. Gibson
Code Compliance Investigator

☐ PERSONAL SERVICE

- ☐ Being unable to make personal service a copy was delivered in the following manner:
- ☐ Delivered to a person found in charge of usual place of business or employment during business hours and giving information of its purport.
 - ☐ Delivered to family member (not temporary sojourner or guest) age 16 or older at usual place of abode or party named above after giving information its purport. List name, age of recipient, and relation of recipient to party named above.
- _____
- _____

- ☐ Posted on front door or such other door as appears to be the main entrance of usual place of abode, address listed above (Other authorized recipient not found).
- ☐ Served on a Secretary of the Commonwealth.
- ☐ Not found.

SERVING OFFICER
for _____

DATE

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☐ Not found

SS Gonsalves
SERVING OFFICER

10-24-13
DATE

Mark W. Sites, Sheriff

☐ PERSONAL SERVICE

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SS Gonsalves
SERVING OFFICER

10-24-13
DATE

Mark W. Sites, Sheriff

FAIRFAX COUNTY ZONING ORDINANCE

to be less in width or area than is required by this Ordinance, and no such yard or open space shall be considered as providing any part of a yard or open space for any other lot.

2-411 Yard Requirements for Open Land

If a lot is, or will be, occupied by a permitted use without structures, then the minimum yards that are required for such a lot under the applicable zoning district regulations shall be provided and maintained unless some other provision of this Ordinance requires or permits a different minimum yard; provided, however, front, side and rear yards shall not be required on lots used for agricultural purposes, open public areas or open space; but in no event shall structures associated with such open land uses be located in the required minimum yards.

2-412 Permitted Extensions Into Minimum Required Yards

The features set forth in the following paragraphs may extend into minimum required yards as specified.

For lots in the PDH, PDC, PRC, PRM and PTC Districts, the minimum required yard shall be deemed to be one-half of the distance of the yard that has been established by the location of the principal structure on a lot. In other districts where minimum yard requirements are determined by a specified distance between buildings, the lot lines shall be established by a line located between the buildings drawn at the mid-point and perpendicular to the shortest line between them.

1. The following shall apply to any structure:
 - A. Cornices, canopies, awnings, eaves or other such similar features, all of which are at least ten (10) feet above finished ground level, may extend three (3) feet into any minimum required yard but not closer than two (2) feet to any lot line. This provision shall not apply to permanent canopies over gasoline pump islands which have supports located on the pump islands, provided that such canopies may extend into minimum required yards but shall not extend into any required transitional screening areas nor overhang travel lanes, service drives or sidewalks.
 - B. Sills, leaders, belt courses and other similar ornamental features may extend twelve (12) inches into any minimum required yard.
 - C. Open fire balconies, fire escapes, fire towers, uncovered stairs and stoops, air conditioners and heat pumps, none of which are more than ten (10) feet in width, may extend five (5) feet into any minimum required yard, but not closer than five (5) feet to any lot line.
 - D. Bay windows, oriel, and chimneys, none of which are more than ten (10) feet in width, may extend three (3) feet into any minimum required yard, but not closer than five (5) feet to any lot line.
 - E. Carports may extend five (5) feet into any minimum required side yard, but not closer than five (5) feet to any side lot line.
 - F. An accessibility improvement may extend into any minimum required yard.

GENERAL REGULATIONS

2. The following shall apply to any deck attached to a single family detached dwelling:
 - A. Any open deck with no part of its floor higher than four (4) feet above finished ground level may extend into minimum required yards as follows:
 - (1) Front yard: 6 feet, but not closer than 14 feet to a front lot line and not closer than 5 feet to any side lot line
 - (2) Side yard: 5 feet, but not closer than 5 feet to any side lot line
 - (3) Rear yard: 20 feet, but not closer than 5 feet to any side or rear lot line
 - B. Any open deck with any part of its floor higher than four (4) feet above finished ground level may extend into minimum required yards as follows:
 - (1) Front yard: No extension
 - (2) Side yard: No extension
 - (3) Rear yard: 12 feet, but not closer than 5 feet to any rear lot line and not closer than a distance equal to the minimum required side yard to the side lot line
 - C. Any roofed deck with no part of its floor higher than four (4) feet above finished ground level may extend into minimum required yards as follows:
 - (1) Front yard: No extension
 - (2) Side yard: No extension
 - (3) Rear yard: 12 feet, but not closer than 5 feet to any rear lot line and not closer than a distance equal to the minimum required side yard to the side lot line
3. The following shall apply to any deck attached to a single family attached dwelling:
 - A. Any open deck with no part of its floor higher than three (3) feet above finished ground level may extend into minimum required yards as follows:
 - (1) Front yard: No extension
 - (2) Side yard: 5 feet, but not closer than 5 feet to any side lot line
 - (3) Rear yard: To the rear lot line and from side lot line to side lot line, except on lots with a minimum required side yard, not closer than 5 feet to that side lot line

FAIRFAX COUNTY ZONING ORDINANCE

- B. Any open deck with any part of its floor higher than three (3) feet above finished ground level may extend into minimum required yards as follows:
 - (1) Front yard: No extension
 - (2) Side yard: No extension
 - (3) Rear yard: 12 feet, but not closer than 5 feet to the rear lot line. Notwithstanding the above, on lots with rear yards of 17 feet or less, a deck with a depth of 12 feet may be permitted, but not closer than 2 feet to the rear lot line, if such lot line abuts open space or an utility easement, not less than 10 feet in width. In addition, on lots with a minimum required side yard, not closer to that side lot line than a distance equal to such minimum required yard.
- C. Any roofed deck with no part of its floor higher than three (3) feet above finished ground level may extend into minimum required yards as follows:
 - (1) Front yard: No extension
 - (2) Side yard: No extension
 - (3) Rear yard: 12 feet, but not closer than 5 feet to the rear lot line, and on lots with a minimum required side yard, not closer to that side lot line than a distance equal to such minimum required yard
- 4. The following shall apply to any deck attached to a multiple family dwelling, commercial, industrial or institutional structure:
 - A. Any open or roofed deck, not more than ten (10) feet in width and with no part of its floor higher than three (3) feet above finished ground level, may extend six (6) feet into any minimum required yard.
 - B. Any open or roofed deck, not more than ten (10) feet in width with any part of its floor higher than three (3) feet above finished ground level, may extend three (3) feet into any minimum required yard.
- 5. The BZA may approve a special permit to modify the provisions of this Section, but only in accordance with the provisions of Sect. 8-922.

2-413

Yard Regulations for Residential Lots Having Reverse Frontage

- 1. Notwithstanding any other provision of this Ordinance, on any residential lot designed to have reverse frontage along a major thoroughfare, the minimum front yard requirements as set forth for a given zoning district shall be deemed to apply to that yard in front of the principal entrance or containing the approach to the primary building occupying the lot. The opposing yard shall be deemed to be the rear yard and shall be subject to the requirements set forth for such yards unless such requirements are qualified below.

Similar Case History

ZAPS - VC - VC 97-B -066	Application Desc ...: PERMIT CONSTRUCTION OF CARPORT 3.8 FT. FROM SIDE LOT LINE
ZAPS - SP - SP 2005-BR-031	Application Desc ...: TO PERMIT REDUCTION TO MINIMUM YARD REQUIREMENTS BASED ON ERROR IN BUILDING LOCATION TO PERMIT ACCESSORY STORAGE STRUCTURE TO REMAIN 4.1 FEET WITH EAVE 3.4 FEET FROM REAR LOT LINE AND 3.2 FEET WITH EAVE 2.4 FEET FROM SIDE LOT LINE
ZAPS - VC - VC 83-A -016	Application Desc ...: TO ALLOW CONSTRUCTION OF A CARPORT ADDITION TO DWELLING TO 0.8 FT. FROM SIDE LOT LINE (7 FT. MIN. SIDE YARD REQ.)
ZAPS - VC - VC 92-B -021	Application Desc ...: ALLOW ENCLOSURE OF STRUCTURE 8.2 FT. FROM SIDE LOT LINE (12 FT. MIN. SIDE YARD REQ.)
ZAPS - SP - SP 87-A -082	Application Desc ...: REDUCTION TO MINIMUM YARD REQUIREMENTS BASED ON ERROR IN BUILDING LOCATION TO ALLOW 13 FT. 5 IN. HIGH SHED TO REMAIN 3 1/2 INCHES FROM SIDE LOT LINE AND 8 FT. 8 IN. FROM REAR LOT LINE (12 FT. MIN. SIDE, 13 FT. 5 IN. MIN. REAR YARD)
ZAPS - SP - SP 91-B -032	Application Desc ...: REDUCTION TO MINIMUM YARD REQUIREMENTS BASED ON ERROR IN BUILDING LOCATION TO ALLOW SHED TO REMAIN 5.6 FT. FROM REAR LOT LINE AND 6.6 FT. FROM SIDE LOT LINE

8-006 General Standards

In addition to the specific standards set forth hereinafter with regard to particular special permit uses, all special permit uses shall satisfy the following general standards:

1. The proposed use at the specified location shall be in harmony with the adopted comprehensive plan.
2. The proposed use shall be in harmony with the general purpose and intent of the applicable zoning district regulations.
3. The proposed use shall be such that it will be harmonious with and will not adversely affect the use or development of neighboring properties in accordance with the applicable zoning district regulations and the adopted comprehensive plan. The location, size and height of buildings, structures, walls and fences, and the nature and extent of screening, buffering and landscaping shall be such that the use will not hinder or discourage the appropriate development and use of adjacent or nearby land and/or buildings or impair the value thereof.
4. The proposed use shall be such that pedestrian and vehicular traffic associated with such use will not be hazardous or conflict with the existing and anticipated traffic in the neighborhood.
5. In addition to the standards which may be set forth in this Article for a particular group or use, the BZA shall require landscaping and screening in accordance with the provisions of Article 13.
6. Open space shall be provided in an amount equivalent to that specified for the zoning district in which the proposed use is located.
7. Adequate utility, drainage, parking, loading and other necessary facilities to serve the proposed use shall be provided. Parking and loading requirements shall be in accordance with the provisions of Article 11.
8. Signs shall be regulated by the provisions of Article 12; however, the BZA, under the authority presented in Sect. 007 below, may impose more strict requirements for a given use than those set forth in this Ordinance.

8-903 Standards for All Group 9 Uses

In addition to the general standards set forth in Sect. 006 above, all Group 9 special permit uses shall satisfy the following standards:

1. All uses shall comply with the lot size and bulk regulations of the zoning district in which located, except as may be qualified below.
2. All uses shall comply with the performance standards specified for the zoning district in which located.
3. Before establishment, all uses, including modifications or alterations to existing uses, shall be subject to the provisions of Article 17, Site Plans, or other appropriate submission as determined by the Director.

8-914 Provisions for Approval of Reduction to the Minimum Yard Requirements Based on Error in Building Location

The BZA may approve a special permit to allow a reduction to the minimum yard requirements for any building existing or partially constructed which does not comply with such requirements applicable at the time such building was erected, but only in accordance with the following provisions:

1. Notwithstanding Par. 2 of Sect. 011 above, all applications shall be accompanied by ten (10) copies of a plat and such plat shall be presented on a sheet having a maximum size of 24" x 36", and one 8 ½" x 11" reduction of the plat. Such plat shall be drawn to a designated scale of not less than one inch equals fifty feet (1" = 50'), unless a smaller scale is required to accommodate the development. Such plat shall be certified by a professional engineer, land surveyor, architect, or landscape architect licensed by the State of Virginia and such plat shall contain the following information:
 - A. Boundaries of entire property, with bearings and distances of the perimeter property lines and of each zoning district.
 - B. Total area of the property and of each zoning district in square feet or acres.
 - C. Scale and north arrow, with north, to the extent feasible, oriented to the top of the plat and on all supporting graphics.
 - D. Location of all existing structures, with dimensions, including height of any structure and penthouse, and if known, the construction date(s) of all existing structures.
 - E. All required minimum yards to include front, side and rear, and a graphic depiction of the angle of bulk plane, if applicable, and the distances from all existing structures to lot lines.
 - F. Means of ingress and egress to the property from a public street(s).
 - G. For nonresidential uses, the location of parking spaces, indicating minimum distance from the nearest property line(s).
 - H. If applicable, the location of well and/or septic field.
 - I. For nonresidential uses, a statement setting forth the maximum gross floor area and FAR for all uses.
 - J. Location of all existing utility easements having a width of twenty-five (25) feet or more, and all major underground utility easements regardless of width.
 - K. Seal and signature of professional person certifying the plat.

In addition, the application shall contain a statement of justification explaining how the error in building location occurred and any supportive material such as aerial photographs, Building Permit applications, County assessments records, a copy of the contract to build the structure which is in error, or a statement from a previous owner indicating how the error in building location occurred.

2. The BZA determines that:
 - A. The error exceeds ten (10) percent of the measurement involved, or
 - B. The error is up to ten (10) percent of the measurement involved and such reduction or modification is requested in conjunction with the approval of a special permit for another use or application for a variance on the property, or is in conjunction with another special permit for an error in building location on the property that exceeds ten (10) percent of the measurement involved, and
 - C. The noncompliance was done in good faith, or through no fault of the property owner, or was the result of an error in the relocation of the building subsequent to the issuance of a Building Permit, if such was required, and
 - D. Such reduction or modification will not impair the purpose and intent of this Ordinance, and
 - E. It will not be detrimental to the use and enjoyment of other property in the immediate vicinity, and
 - F. It will not create an unsafe condition with respect to both other property and public streets, and
 - G. To force compliance with the minimum yard requirements or location regulations would cause unreasonable hardship upon the owner.
 - H. The reduction or modification will not result in an increase in density or floor area ratio from that permitted by the applicable zoning district regulations.
3. In granting such a reduction under the provisions of this Section, the BZA shall allow only a reduction necessary to provide reasonable relief and may, as deemed advisable, prescribe such conditions, to include landscaping and screening measures, to assure compliance with the intent of this Ordinance.

4. Upon the granting of a reduction for a particular building in accordance with the provisions of this Section, the same shall be deemed to be a lawful building.
5. The BZA shall have no power to waive or modify the standards necessary for approval as specified in this Section.